

PROBABLE CAUSE STATEMENT

EXECUTION OF FEDERAL SEARCH WARRANTS

On May 9, 2008, two federal search warrants were executed at **1307 El Corral Lane, San Marcos, California** (hereinafter "**1307 El Corral Lane**") and **644 Corte Galante, San Marcos, California** (hereinafter "**644 Corte Galante**"). At **1307 El Corral Lane**, federal agents found approximately 144 marijuana plants growing in two bedrooms and the kitchen area. Defendant Adam Fitch was found inside the residence. The residence is owned by his brother, Shaun Fitch, who was also the San Diego Gas and Electric (SDG&E) utility subscriber. At **644 Corte Galante**, federal agents found approximately 102 marijuana plants growing in one of the two bedrooms of the residence, two pounds of processed marijuana plants, and two digital scales. Defendants Michael Fitch, Shaun Fitch, and Danielle Lynch were found inside that residence. Agents also found receipts from Greentree Hydroponics Store (identified by DEA as a business that sells equipment used to cultivate marijuana) dated January 28, 2008, thru February 28, 2008. These receipts show the purchase of equipment and items used to grow marijuana and that was seized at the residence. That residence is rented by Danielle Lynch. Following the waiver of his Mirandaa rights, Adam Fitch told the agents that his brother, Shaun Fitch, set up both marijuana grows. The marijuana grow at **1307 El Corral Lane** was operational for approximately one year. Adam Fitch said that he resided at that location and assisted in the marijuana grow. Adam Fitch said that he resided at that location for six months and that he also assisted his brother at **644 Corte Galante** residence with the marijuana plants. Adam Fitch said that Shaun Fitch and Danielle Lynch (Shaun's girlfriend) arranged for the second marijuana grow location at **644 Corte Galante**. Danielle Lynch rented that location beginning in January 21, 2008 (rental receipt was found at **644 Corte Galante**). Daniel Lynch also assisted in the marijuana grow at **644 Corte Galante**.

BACKGROUND INVESTIGATION

Based on a tip, agents conducted an investigation of Shaun Fitch. Agents learned that he was the current owner of **1307 El Corral Lane** since April 11, 2006 to the present. Agents placed a magnetic Global Positioning System (GPS) vehicle tracker was placed on a 2007 White Mitsubishi Raider pick up, bearing California license plate 8A38446, which is registered to Shaun Fitch and Adam Fitch at 16507 Dove Canyon Road Apt. 8207, San Diego (hereinafter "**Mitsubishi Pick-up**"). Adam Fitch is the brother of Shaun Fitch. The GPS tracker placed on the Mitsubishi Pick-up showed that Shaun Fitch and Adam Fitch travelled to and from **1307 El Corral Lane** and **644 Corte Galante**. When conducting physical surveillance in conjunction with the GPS tracker on multiple occasions, agents observed Adam Fitch as the primary driver of the Mitsubishi Pick-up while Shaun Fitch has been the passenger. The electrical usage was extremely high compared to nearby residences, and in conjunction with other evidence, agents believed that the electricity was used to power marijuana grow equipment.

Agents learned that subpoenaed records from SDG&E which show that Danielle Lynch was the current utility subscriber at **644 Corte Galante**, and has been since January 21, 2008 to the present. The SDG&E usage was extremely high compared to nearby residences. A magnetic Global Positioning System (GPS) vehicle tracker placed on Lynch's truck demonstrated that her truck travelled to and from **644 Corte Galante** and ~~644 Corte Galante~~. Both Shaun Fitch and Danielle Lynch were observed by agents driving Lynch's truck. **1307 EL CORRAL LANE** (S) *lf 5/9/08*

On February 13, 2008, at approximately 11:54 a.m., the GPS tracker indicated that Lynch's truck was in the area of Greentrees Hydroponics located at 2581 Pioneer Avenue Unit D, Vista, CA. Agents located Lynch's truck parked at a grocery store in San Marcos. An agent walked up to the vehicle and looked inside and observed two boxes and flexible metal type air ducting in the back seat. Agents recognized this type of air ducting as the same type that is commonly used in the cultivation of marijuana to vent excessive heat generated from the grow lights. Inside the grocery store, agents observed Danielle Lynch, Shaun Fitch, and Adam Fitch. They drove to **644 Corte Galante** where agents observed Danielle Lynch and Adam Fitch bring the boxes and ducting in to the residence. On the day of the search warrant at **644 Corte Galante**, agents found a receipt from Greentree Hydroponics dated February 13, 2008, showing that they purchased one "Perma Duct" (6-25").

During the investigation, agent also observed Michael Fitch at **644 Corte Galante** on prior occasions (and also observed his vehicle at that location). Michael Fitch was also found at **644 Corte Galante** at the time of the search warrant. When interviewed after his Miranda rights, he claimed that he stays with his brothers approximately two times a week at either the **644 Corte Galante** residence or the **1307 El Corral Lane** residence and that he smokes marijuana. *(S) lf 5/9/08*